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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 DANIEL A. FARMER-KIEFE,

11 Plaintiff,

12 v.

13 UNIVERSITY MEDICAL CENTER, et  
14 al.,

15 Defendants.

Case No. 2:08-CV-01561-KJD-LRL

**ORDER**

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17 Currently before the Court is Defendant W. Unangst's Motion to Dismiss (#33) filed June 17,  
18 2010. Subsequently, the Court issued a Klinge Order (#34) that notified the Plaintiff of the  
19 necessity of responding to Defendant's dispositive Motion, and identified what Plaintiff must do to  
20 adequately oppose Defendant's Motion. Despite the Court's warning, to date, Plaintiff has failed to  
21 file points and authorities in opposition to Defendant's Motion as allowed by Local Rule 7-2. Local  
22 Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent  
23 to the granting of the motion.

24 Defendant's Motion seeks that the Court Dismiss the action against him pursuant to Fed. R.  
25 Civ. P. 12(b)(4)-(5) and 12(b)(6), for insufficient service of process, and failure to state a claim upon  
26 which relief may be granted. The Court has reviewed Defendant's Motion and finds it to have merit.

1           Accordingly, **IT IS HEREBY ORDERED** that Defendant W. Unangst's Motion to Dismiss  
2           (#33) is **GRANTED** pursuant to Local Rule 7-2(d).

3           DATED this 8th day of October 2010.

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8           Kent J. Dawson  
9           United States District Judge  
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